

Dear CLERK OF THE COURT;

Saturday, July 22nd, 2017

Jeffrey P. Colwell.

CASE NUMBER: 17-cv-00884-STV

Attn: United States Magistrate Judge Scott T. Varholak.

The ORDER setting Scheduling Conference for 09/15/2017

10:00AM in Courtroom C203 before Magistrate Judge Scott

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

T. Varholak. Consent Form due by 09/01/2017 was received

JUL 26 2017

by Plaintiff CHAYCE AARON ANDERSON of

JEFFREY P. COLWELL
CLERKFriday, July 21st, 2017, at the Colorado Territorial

Correctional Facility (C.T.C.F.)

The ORDER SETTING DEADLINE FOR FILING ELECTION
CONCERNING CONSENT/NON-CONSENT TO MAGISTRATE
JURISDICTION FORM AND SETTING SCHEDULING

CONFERENCE was received on the same day. The ORDER
listed ONLY a single Defendant: JASON SHUTTERS. The
Plaintive asserts there should be three named defendants:

(1) CARA BOXBERGER, (2) JASON SHUTTERS, (3) MARK
DELANO.

The ORIGINAL PRISONER COMPLAINT was mailed and
filed on 04/12/2017. Magistrate Judge Gordon P. Gallagher
ORDERED the Plaintiff to file an A.P.C. on 04/13/2017. The
AMENDED PRISONER COMPLAINT was sealed and submitted
to be mailed at C.T.C.F. on Sunday, May 7th, 2017.

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The 30-Day ORDER tolled on Thursday, May 11th, 2017. The Plaintiff has received confirmation that the A.P.C. was submitted/mailed no later than Tuesday, May 9th, 2017.

The Plaintiff, CHAYLE AARON ANDERSON, complied within the time limit, yet NEVER RECEIVED any correspondence in response to the A.P.C. The Plaintiff was never afforded any opportunity to file a SECOND AMENDED PRISONER COMPLAINT.

All cases filed by imprisoned parties or by nonprisoner parties proceeding *in forma pauperis* are subject to initial review by a designated judicial officer to determine whether the case should be summarily dismissed. (D.C.COLO. LCivR 8.1.). Magistrate Judge Gordon P. Gallagher required the Plaintiff to file "pro se" an amended pleading. The Plaintiff abided within the scope of the 30 day order, therefore the action may not be dismissed without notice. During the initial review process, the designated judge will keep the pro se party informed of any filing deficiencies that need to be corrected. The lack of a court response to the A.P.C. means the Plaintiff was not kept informed during this process, and said correspondence was insufficient.

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This was not entirely a fault of the Court due to the "pro se" party undergoing 8 facility transfers. It is unreasonable for the Plaintiff to suffer adverse consequences for matters out of His control. It is virtually impossible to proceed "Pro Se" when having never received the residing Court's ~~opio~~ opinion or response to the filed A.P.C. If the A.P.C. had filing deficiencies, the Plaintiff should be afforded a fair and equal opportunity to amend the A.P.C. to a S.A.P.L. to address any issues before any Defendants are removed from the suit.

"If, after completion of initial review, the complaint or application (or any part of the complaint or application) is found by the Court to be legally frivolous or malicious, seeks monetary relief from a defendant who is immune from such relief, or does not otherwise state a legal entitlement to relief, the Court may dismiss the entire case or only the insufficient claims. The Court is required to do this pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A." The action will not be served on defendants until after completion of initial review, when the case is assigned to a presiding judge, and, if applicable, a magistrate

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judge under D.C. COLO. L Civ R 40.1.

The Plaintiff suffered extreme undue duress in filing His A.P.C. No access to Law Library, all blank white legal paper seized by D.R.D.C. staff, no ink...

CARA BOXBERGER & MARK DELANO should not have been removed without proper notice, or a chance to file a S.A.P.C.

The Plaintiff has filed approximately 7 letters to notify of transfers immediately upon transfer, unless said privileges were denied by AdSeg staff. This was done in good faith. The Plaintiff is still in transition mode pending two more facility transfers in the coming weeks. The first is a permanent facility transfer and the second is a "writ" to Larimer County Jail (See. Prior Letters).

The Clerk of the Court did not yet ^{send me} ~~file~~ a copy of the template joint proposed scheduling order and instructions, and ONLY sent a copy of the July 12th, 2017 ORDER, when the actual order included a direction in #4.

The Plaintiff also has not received a copy of the "Election Concerning Consent/Non-Consent to United States Magistrate Judge Jurisdiction form. The Plaintiff has NO ACCESS to the Court's website, nor the internet at all. It is unbelievably difficult to receive specific forms in D.O.C. In order to

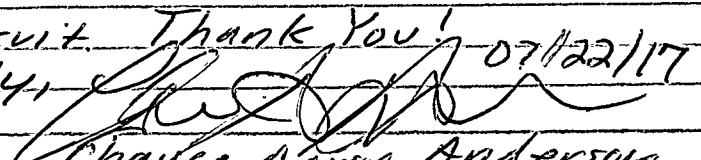
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comply with said ORDER, I need the CLERK to mail me both forms.

The Plaintiff, CHAYCE AARON ANDERSON, also filed a second motion for Appointment of Counsel #2. This has also been unanswered. The Plaintiff would like verification of the 42 pg. Amended Prisoner Complaint having been received and filed, and any/all subsequent ORDERS to be resent, and the 30 day period to be reinstated/retolled. The Plaintiff has a hand-written copy of the A.P.C. The A.P.C. broke each claim into subclaims to help the Court distinguish between claims and subclaims within claims. At this point, the Plaintiff is unaware of which subclaims were insufficient, and which were not.

Any correspondence that was never sent or was returned to the Federal Court house should be resent to the Plaintiff. It is unconstitutional to not keep the Plaintiff properly informed during the initial review, or to have a "pro se" party proceed in the manner of "pro se," yet not be treated as the attorney of record. Please remedy these issues. Otherwise the Plaintiff will be involuntarily forced into refiling the entire suit. Thank You!

Sincerely,


Chayce Aaron Anderson
D.O.C. #175290